

III. REMARKS

Claims 1-3, 5-8, 10, 11, 13-17 and 19- 23 are pending in this application. By this amendment, claims 1, 7, 15 and 20 have been amended herein; and, claims 4, 9, 12 and 18 are cancelled herein. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Entry of this Amendment is proper under 27 C.F.R §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

Claims 1-8 and 10-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun et al. (US 5,561,457), hereinafter “Cragun”, in view of Bhagavath et al. (US 6,829,781 B1), hereinafter “Bhagavath”. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun and Bhagavath in view of Alexander et al. (US 6,177,931 B1), hereinafter “Alexander”.

Applicants traverse the rejections for the following reasons. Applicants respectfully submit that all claims are allowable over the cited art because the cited art does not teach all of the claim limitations, as is required under 103(a).

For example, with respect to independent claim 1, Applicants respectfully submit that the cited references (i.e., Cragun in view of Bhagavath) fails to teach or suggest, *inter alia*, generating a user profile indicating video content preferred by said user, *wherein said user profile is generated based on a viewing history of said user by employing a decision tree*. Emphasis added. See claim 1, as amended, and similar claim language in independent claims 7, 15 and 20.

In rejecting claim 1, the Office admits that Cragun “fails to teach generating independent of the user and the profile is based upon a viewing history of the user.” Office Action, item 3, page 3. The Office then turns to Bhagavath for teaching of the admitted deficiency in Cragun citing column 7, lines 37-67 and column 8, lines 1-3 from Bhagavath. Applicants have carefully reviewed the cited sections, as well as Bhagavath in its entirety, and fail to see any teaching in the referenced disclosure for any type of employment of a decision tree and viewing history to generate a user profile whatsoever. Further, it is not even clear to Applicants what specifically teaches a user profile in Bhagavath, regardless of the point that there is no decision tree employed. In any event, there is not any teaching, nor even a suggestion, of generating a user profile based on a viewer history and employing a decision tree, as in the claimed invention.

In sum, neither Cragun nor Bhagavath teach or suggest all of the features found in claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to claim 1.

Independent claims 7, 15, and 20 are rejected under the same rationale as claim 1. As a result, Applicants herein incorporate the arguments listed above with respect to claim 1.

With respect to dependent claims 2, 3, 5, 6, 8, 10, 11, 13, 14, 16, 17, 19 and 21-23, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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